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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A. No. 4122 of 2004

Date of decision:23.8.2007

Raj Singh and others **...Appellants**

Versus

Risal Singh and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Narender Hooda, Advocate for the appellants.

Mr. Ramesh Hooda, Advocate for the respondents.

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RAJESH BINDAL, J.

This is defendants' second appeal against the concurrent findings of fact by both the Courts below wherein the suit filed by the respondent-plaintiffs for permanent injunction has been decreed.

The respondent-plaintiffs was admittedly found to be owner of the property in dispute. The appellants claimed that infact the property belongs to them as in the statements of witnesses, they claimed that they are owner of Khara No.52/8 and the property in dispute of which the injunction was sought by the respondent-plaintiffs falls in that Khasra No. A perusal of the site plan on record shows that Khasra No.3666 which is owned by the respondent-plaintiffs is not adjoining Khasra No. 52/8 to which the appellants claimed ownership. It may be added that even regarding Khasra No.52/8, it is merely an oral statement as the appellants have not been able to produce any record to substantiate their claim of ownership. The Court also found that property in question was identified in a demarcation conducted by Shri Prem Nath Mehta, the then Office Kanungo and his report was on record. Once it is found that appellant-defendants are not even owner of any property in the vicinity of the respondent-plaintiffs and

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further that the ownership of the respondent-plaintiffs of property bearing Khasra No.3666 is admitted by the appellants, in my opinion, the Courts below have not erred in granting the injunction prayed for.

Accordingly, I do not find any merit in the present appeal and the same is dismissed.

August 23, 2007 **(Rajesh Bindal)**
Pka **Judge**